

INITIAL STATEMENT OF REASONS

a) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

The proposed regulations implement changes consistent with the objectives of Assembly Bill (AB) 1603 (Chapter 25, Statutes of 2016) amending Section 11450(f)(3)(E)(i) of the Welfare Institutions (W&I) Code.

Section 44-211.51

Specific Purpose:

This section is amended in order to remove the once-in-a-lifetime restriction placed on California Work Opportunity and Responsibility to Kids (CalWORKs) Homeless Assistance (HA) benefits and specify that HA is now available once every 12 months to eligible recipients.

Factual Basis:

This amendment is necessary to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA and now provides that a CalWORKs Assistance Unit (AU) may receive temporary HA, permanent HA or both every 12 months.

Section 44-211.513

Specific Purpose:

This section is amended in order to remove the once-in-a-lifetime restriction placed on CalWORKs HA benefits and specify that HA is now available once every 12 months to eligible recipients. This section is further amended to clarify that the initial issuance of temporary shelter and/or permanent housing payment represents the beginning of the 12-month period for HA.

Factual Basis:

This amendment is necessary to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA and provides that a CalWORKs AU may receive temporary HA, permanent HA or both every 12 months. This policy is necessary in order to establish a statewide rule for all counties to use in order to accomplish statewide consistency in the administration of the CalWORKs Program

Section 44-211.513(b)

Specific Purpose:

This section is amended to clarify that a period of homelessness, for CalWORKs HA purposes, is a 12-month period.

Factual Basis:

This amendment is necessary to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which provides that a CalWORKs AU may receive temporary HA, permanent HA or both every 12 months.

Section 44-211.513(b)(1)

Specific Purpose:

This section is added in order to establish a beginning and end to the 12-month period for CalWORKs temporary and permanent HA as described in MPP section 44-211.513. It begins on the day the county issues the first payment of temporary shelter or permanent housing to the recipient or landlord and ends 12 months later.

Factual Basis:

This section is necessary to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603. This section is necessary in order to clarify the 12-month period for temporary and permanent HA. This policy is necessary in order to establish a statewide rule for all counties to use in order to accomplish statewide consistency in the administration of the CalWORKs Program.

Section 44-211.513(b)(2) Renumbered from Section 44-211.513(b)(1)

Specific Purpose:

This section is amended in order to remove the reference to the once-in-a-lifetime restriction placed on CalWORKs permanent and temporary HA, which has been repealed. This section further amends an incorrect reference to Manual of Policy and Procedures (MPP) section 44-211.535 and changes it to read MPP section 44-211.538, which is the appropriate regulation reference to security deposits. This sub-section has also been renumbered to (2) for clarity.

Factual Basis:

This section is being amended to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime HA benefit and changes it to once every 12 months. Currently, this regulation section references an incorrect section

within regulations and must be amended in order to reference the appropriate regulation section.

Section 44-211.513(b)(3) Renumbered from Section 44-211.513(b)(2)

Specific Purpose:

This section is amended in order to remove the reference to the once-in-a-lifetime restriction placed on CalWORKs HA benefits and to specify that the 12-month period for HA based on an exception also begins on the day the county issues the first payment of temporary shelter or permanent housing. This sub-section has been renumbered to (3).

Factual Basis:

This section is being amended to comply with W&I Code section 11450(f)(3)(E)(i) and with W&I Code section 11450(f)(3)(E)(iii) as adopted by AB 1603, which repealed the once-in-a-lifetime CalWORKs HA benefits.

Section 44-211.514

Specific Purpose:

This section is amended to clarify that a CalWORKs AU may be eligible for further homeless assistance payments before the start of a new 12-month period, but only if they meet certain exceptional conditions.

Factual Basis:

This amendment is necessary to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which provides that a CalWORKs AU may receive temporary HA, permanent HA or both every 12 months. Current regulations provide that once an AU has used their HA, they are no longer eligible for any further HA except under certain conditions.

Section 44-211.514(b)

Specific Purpose:

This section is amended to clarify a condition that must be met in order for an AU with a new caretaker relative to be eligible for HA, if the AU has received HA within the past 12 months under a previous caretaker relative. The section will now provide that the AU may be eligible for HA, if the new caretaker relative has not received HA with another AU within the past 12 months, rather than never having received HA in their lifetime.

Factual Basis:

This amendment is necessary to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which provides that a CalWORKs AU may receive temporary HA, permanent HA or both every 12 months. Current regulations state that a caretaker relative who has previously received HA on behalf of or as part of another AU is not eligible for further HA.

Handbook Section 44-211.514(d)(1) (Example)

Specific Purpose:

This example was added to the handbook section in order to provide guidance regarding the implementation of CalWORKs HA changes. This section provides a detailed example as to how the HA 12-month period shall be determined. Further, this example has been provided for clarity and consistency.

Factual Basis:

This example has been added in order to provide the necessary guidance regarding the 12-month period for HA in order to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA. It further provides that a CalWORKs AU may receive temporary HA, permanent HA or both once in a 12-month period.

Handbook Section 44-211.514(d)(2) (Example)

Specific Purpose:

This example was added to the handbook section in order to provide guidance regarding the implementation of CalWORKs HA changes. This section provides a detailed example as to how the HA 12-month period shall be determined. Further, this example has been provided for clarity and consistency.

Factual Basis:

This example has been added in order to provide the necessary guidance regarding the 12-month period for HA in order to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA. It further provides that a CalWORKs AU may receive temporary HA, permanent HA or both once in a 12-month period.

Handbook Section 44-211.514(d)(3) (Example)

Specific Purpose:

This example was added to the handbook section in order to provide guidance regarding the implementation of CalWORKs HA changes. This section provides a detailed example as to how the HA 12-month period shall be determined. Further, this example has been provided for clarity and consistency.

Factual Basis:

This example has been added in order to provide the necessary guidance regarding the 12-month period for HA in order to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA. It further provides that a CalWORKs AU may receive temporary HA, permanent HA or both once in a 12-month period.

Section 44-211.52

Specific Purpose:

This section is amended in order to remove the once-in-a-lifetime restriction placed on CalWORKs temporary shelter payments and specify that temporary shelter payments are available once every 12 months.

Factual Basis:

This section is being amended to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on temporary shelter payments and provides that a CalWORKs temporary HA is available once every 12 months.

Section 44-211.53

Specific Purpose:

This section is amended in order to remove the once-in-a-lifetime restriction placed on CalWORKs permanent housing payments.

Factual Basis:

This section is being amended to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on permanent housing payments and provides that a CalWORKs permanent HA is available once every 12 months.

Section 44-211.534(a)

Specific Purpose:

This section deletes the CalWORKs Special Needs payment as income counted towards an AU's TMHI when determining eligibility for permanent HA. The acronym TMHI means total monthly household income, and is defined at MPP sections 44-211.531(b) and 44-211.534(b).

Factual Basis:

This section is being amended to comply with W&I Code section 11450(f)(3)(B)(ii), which provides that a CalWORKs TMHI shall be calculated without the value of special needs. The CalWORKs permanent housing regulations were not previously amended to reflect current statute. The CDSS is aligning regulations with existing statute.

Section 44-211.537(c)

Specific Purpose:

This section is amended in order to remove the once-in-a-lifetime restriction placed on CalWORKs HA benefits and specify that HA is now available once every 12 months to eligible recipients.

Factual Basis:

This amendment is necessary to comply W&I Code section 11450(f)(3)(E)(ii) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA and provides that a CalWORKs AU may receive temporary HA, permanent HA or both every 12 months.

Section 44-211.538

Specific Purpose:

This section is amended to change the 24-month time limit, identified in this section, to a 12-month time limit, as provided in MPP section 44-211.513.

Factual Basis:

This section is being amended to comply with W&I Code section 11450(f)(3)(E)(i). The time limit in this section was incorrectly identified as a 24-month limit rather than a 12-month time limit, as provided in current and previous statute.

Section 44-211.538(b)

Specific Purpose:

This section is amended in order to change the 24-month time limit, identified in this section, in order to specify this is a 12-month time limit, as provided in MPP section 44 211.513.

Factual Basis:

This section is being amended to comply with W&I Code section 11450(f)(3)(E)(i). The time limit in this section was incorrectly identified as a 24-month limit, rather than a 12-month time limit, as provided in current and previous statute.

Section 44-211.54

Specific Purpose:

This section is amended in order to remove the once-in-a-lifetime restriction placed on CalWORKs HA benefits.

Factual Basis:

This section is being amended to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA.

Section 44-211.541

Specific Purpose:

This section is amended in order to remove the once-in-a-lifetime restriction placed on CalWORKs HA benefits.

Factual Basis:

This section is being amended to comply with W&I Code section 11450(f)(3)(E)(i), as adopted by AB 1603, which provides that temporary shelter payments and permanent housing payments are available once every 12 months. This section also conforms to current law in W&I Code section 11450(f)(3)(E)(iii), which provides that there are exceptions to the once every 12-month limit.

Section 44-211.545(b)

Specific Purpose:

This section is amended in order to remove the once-in-a-lifetime restriction on CalWORKs HA.

Factual Basis:

This section is being amended to comply with Welfare and Institutions Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA.

Handbook Section 44-211.546(a) (Example)

Specific Purpose:

This example was added to the handbook section in order to provide guidance pertaining to the 12-month period of HA based on an exception in MPP section 44-211.541(b). The method for determining the 12-month period for exceptions is changing. This example provides that an exception is available once at any point during the 12-month period established for temporary and/or permanent HA. Further, this example has been provided for clarity and consistency.

Factual Basis:

This example has been added in order to provide the necessary guidance regarding the 12-month period for HA in order to comply with W&I Code section 11450(f)(3)(E)(i) as adopted by AB 1603, which repealed the once-in-a-lifetime limit on CalWORKs HA. It further provides that a CalWORKs AU may receive temporary HA, permanent HA or both once in a 12-month period. The MPP section 44-211.54 and W&I Code section 11450(f)(3)(E)(iii) provide that additional HA payments may be issued if the AU meets an exception.

Handbook Section 44-211.546(b) (Example) Renumbered from Section 44-211.546(a)

Specific Purpose/Factual Basis:

This handbook example was amended in order to explain that although an instance of homeless may be caused by an event that could be an exception to the once-in-12-month limit on HA, it will not “use up” the once-in-12-month limit for exceptions if HA has not been granted for any reason within the past 12 months. The example has also been amended to use dates within the time that these new rules apply and to renumber the example to (b) rather than (a) in order to align with other handbook HA examples. These amendments are to establish clarity, but have no regulatory impact.

Handbook Section 44-211.546(c) (Example) Renumbered from Section 44-211.546(b)

Specific Purpose/Factual Basis:

This handbook example was amended in order to use current dates and to renumber the example to (c) rather than (b) in order to align with other handbook HA examples. The date when the AU may potentially be eligible to receive HA again has been added. These amendments are to establish clarity, but have no regulatory impact.

b) Identification of Documents Upon Which Department Is Relying

- AB 1603 (Chapter 25, Statutes of 2016)

c) Local Mandate Statement

These regulations do impose a mandate on local agencies, but not on school districts. If the Commission on State Mandates determines that these regulations contain reimbursable costs mandated by the state, reimbursement to local agencies for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

d) Statement of Alternatives Considered

In developing the regulatory action, CDSS did not consider any other alternatives, as there were no other alternatives proposed.

The CDSS determined that no other reasonable alternatives were identified and brought to the attention of CDSS that would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective as and less burdensome to affected private persons than the proposed action, or would be more cost-effective to affected private persons and equally effective in implementing the statutory policy or other provision of law. Additionally, the Legislature mandated that regulations be adopted for these amendments by AB 1603.

e) Statement of Significant Adverse Economic Impact On Business

The CDSS has determined that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. This determination was made based on the proposed regulatory action, which was designed to impact only the CalWORKs population in order to aid them in achieving economic self-sufficiency.

f) Economic Impact Assessment

The CDSS has made the initial determination there is no impact on California businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies. This analysis is intended to be a tool or baseline to establish that these regulatory measures are the most cost-effective to affected California enterprises and equally effective in implementing the statutory policy or other provision of law.

Creation or Elimination of Jobs Within the State of California

The proposed regulations include changes to CalWORKs recipients facing homelessness by eliminating the once-in-a-lifetime limit currently placed on CalWORKs HA and provides that CalWORKs HA is available once every 12 months to eligible recipients. In addition, the proposed regulations make technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The proposed amendments will neither create or eliminate jobs in the State of California. The proposed regulations only pertain to current CalWORKs participants and are mandated by the State of California. Therefore, CDSS has determined that this regulatory proposal will not have an impact on the creation or elimination of jobs in the State of California.

Creation of New or Elimination of Existing Businesses Within the State of California

The proposed regulations include changes to CalWORKs HA by aiding CalWORKs recipients facing homelessness. This will be achieved by providing additional HA benefits, to those clients most in need, by eliminating the once-in-a-lifetime restriction currently placed on CalWORKs HA and provides HA once every 12 months to eligible recipients. In addition, the proposed regulations make technical, conforming changes, such as adding and renumbering of sections and amending cross references as necessary.

The proposed amendments will neither create or eliminate existing businesses in the State of California. The proposed regulations only pertain to current CalWORKs participants and are mandated by the State of California. In addition, the proposed regulation amendments regulate only CalWORKs participants, not businesses.

Expansion of Businesses or Elimination of Existing Businesses Within the State of California

The proposed amendments will neither expand or eliminate businesses in the State of California. The proposed regulations only pertain to current CalWORKs participants and are mandated by the State of California. In addition, the proposed regulation amendments regulate only CalWORKs participants, not businesses.

Benefits of the Regulations

These proposed regulations include amendments that will improve the health and welfare of California residents by providing CalWORKs recipients facing homelessness additional HA benefits. This is possible due to the elimination of the once-in-a-lifetime restriction currently placed on CalWORKs HA and provides that CalWORKs HA is now available once every 12 months to eligible recipients. There are no additional benefits for worker safety or the state's environment, as the regulations only affect individuals participating in the CalWORKs program.

Documents Relied Upon

The document relied upon in proposing this regulatory action is AB 1603.

g) Benefits Anticipated from Regulatory Action

This regulatory action will benefit CalWORKs recipients facing homelessness by providing additional HA benefits, if needed, by eliminating the once-in-a-lifetime restriction currently placed on CalWORKs HA and provides that CalWORKs HA is now available once every 12 months to eligible recipients. All of these changes will allow more low-income families to qualify for CalWORKs HA benefits and help them to achieve self-sufficiency.

h) Statement of Specific Technology or Equipment

This regulatory action will not mandate the use of new, specific technologies or equipment.